IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.9498 OF 2003

Between:

Mohd.Younus.

.... PETITIONER

AND

The Municipal Corporation of
Hyderabad, rep. by its Commissioner,
Tankbund, Hyderabad, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.9498 OF 2003

O R D E R

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This petition is filed to quash the letter dated 02.11.2002 issued by the respondents directing the petitioner to stop further construction in the site.

2. The case of the petitioner is that he purchased 100 square yards of vacant site and made an application to the respondents for construction of the building therein, but the said application was returned by the impugned letter alleging that the documentary evidence produced by the applicant is not satisfactory and the site under reference is not covered by any approved lay out and that plot purchased by the applicant is a part of vast open land and that there is no identification of plots and roads at the site and that M.R.O. Certificate submitted along with the proposals is for the entire land obtained in the year 2002 and T.S. certificate for 100 sq. yards is not furnished, and that the second respondent is threatening to demolish the existing structures, even though no permission is necessary for construction of the structures.

3. In the counter affidavit filed by the second respondent on behalf of respondents, it is stated that the plot of land in question is a part of vast open land, for which an approved lay out, under Lay Out Rules,

1965, is necessary and as the respondents are entitled to seek additional information under Section 434 of the Hyderabad Municipal Corporation Act, 1955 sought information from the petitioner and that the petitioner without furnishing the information sought, approached this Court, and as the petitioner cannot proceed with the construction without an approved lay out, he is not entitled to any relief.

4. It is not the case of the petitioner that there is an approved lay out for the area in question. In fact, petitioner did not produce any approved lay out as rightly stated in the counter-affidavit filed on behalf of the respondents, petitioner cannot carry on construction activities without there being a proper lay out.

5. In the circumstances, the direction sought by the petitioner cannot be given, and so, the writ petition is dismissed. No costs.

JUSTICE C.Y.SOMAYAJULU

1ST OCTOBER, 2007
PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.9498 OF 2003

1st OCTOBER, 2007